



## UNIVERSITY OF KANSAS MEDICAL CENTER

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SCHOOL OF MEDICINE  
DEPARTMENT OF PATHOLOGY AND ONCOLOGY

June 11, 1969

Harold Weisberg, Esq.,  
Route 8  
Frederick, Maryland

Dear Harold:

Many thanks for your letter of June 5.

I do not have to exhaust "administrative remedies" because Doctor Bahmer in his letter to me of October 5 (Exhibit -C-) specifically and explicitly told me that my appeal was to Mr. Burke Marshall. He further told me that Mr. Marshall would not make an exception for me. The "Administrative remedies" for me (and possibly for you also) are thereby precluded. The government cannot have it both ways. In any event the "administrative remedies" are at the discretion of the trial judge.

As to the "memorandum of deposit" mentioned in the Panel Review I, as well as one of my lawyers, caught this and Fensterwald has also drawn it to our attention. This was, of course, all after we had filed suit. We intend to raise the point about this either in our brief or in oral argument. We believe the judge will at least request it for his perusal in his chambers. Of course I was excited to learn from you that it is alleged, by the Archivist, to be a "private paper". If you do not want me to use this latter information from you we will, of course, not do so.

Harold, a "memorandum of deposit" is a two way thing and two copies must exist. The donor signs one copy or initials it and the recipient does likewise with the other and they are then exchanged. Two copies must be created. If not, then the Archivist must Xerox one copy to accompany the gift in order to establish legal ownership. It is like a title to an automobile. This must, of course, be available for inspection by the public, even if the original may be returned to the donor.

There is no law or citation for the purpose of a medico-legal autopsy as I put it. I believe I got this wording from the English Judge who lectured to us on Forensic Medicine while in Liverpool University. Assume that the late President Kennedy has an (apparent) natural illness and died in bed on

the top floor of the White House. The attending physician would insert on the death certificate his clinical diagnosis and could quite correctly sign the document without an autopsy. In the event Jackie should yield to requests for an autopsy the purpose of this autopsy would be:

1. To satisfy curiosity
  - (a) medical
  - (b) scientific
  - (c) academic
2. Teaching
  - (d) Educate the attending physicians about their possible mistakes
  - (e) Educate the pathologist and provide experience for pathologist in training
  - (f) Educate medical students etc.
  - (g) Completeness, as in providing data for statistics, future research etc.

Now, if during the course of this autopsy something would be found (possible ~~poison~~ poison) suggestive of unnatural death the pathologist must instantly stop because the autopsy permission signed by Jackie would at that instant become invalid. The pathologist must notify the coroner who then assumes charge of the case. The pathologist could or would cooperate with the coroner and the new purpose of the autopsy would be:

To learn if a crime had been committed and if so to acquire evidence with which to help apprehend ~~the~~ and convict the guilty as well as acquit the innocent.

In other words the pathologist has to be completely indifferent, objective, and impartial. (A few suspects have been exonerated on my findings.)

One of my lawyers, Mr Wilkinson, is a former law partner of the anticipated judge. He will help compose the brief but will not argue. It has even been suggested that the judge might invite me to his farm for a personal trial of my weapon! I will send you a copy of the brief for your comments when we get a reasonable draft.

Harold, can you tell me where to find in the Navy Regulations instructions for care and preservation of clinical records of ill or deceased patients?

Sincerely,

